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HOUSE BILL 2562

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Sawyer and Tarleton

Read first time 01/21/14. Referred to Committee on Public Safety.

1 AN ACT Relating to addressing water system vulnerabilities to  
2 hazards such as terrorism and natural disasters; amending RCW  
3 42.56.330; and adding new sections to chapter 70.119A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.119A  
6 RCW to read as follows:

7 The legislature finds that the preparedness of public water systems  
8 in the event of natural or human-caused disasters will be vital to the  
9 well-being of state residents. Many of the state's water systems have  
10 already taken initial steps to assess their susceptibility to terrorist  
11 attacks. However, the state's high risk of earthquakes and other  
12 natural disasters makes it prudent to adopt a more comprehensive and  
13 sustained approach to addressing water system vulnerabilities. The  
14 recent impact of a major chemical spill on water supplies in West  
15 Virginia serves as a stark reminder of the potential susceptibility of  
16 many of our own water systems to one ill-fated event. Therefore, it is  
17 the intent of the legislature to improve the planning of water systems  
18 to ensure their preparedness to face adverse events. It is further the  
19 intent of the legislature to allow the department to share pertinent

1 information about water systems' natural and human-caused disaster  
2 preparedness with the capital budget committee and other appropriate  
3 committees of the legislature, in order to allow the state to make wise  
4 allocation and prioritization decisions about investments in water  
5 system preparedness and infrastructure improvements.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.119A  
7 RCW to read as follows:

8 (1) Every group A public water system with more than three thousand  
9 three hundred service connections and, at the discretion of the  
10 department, other water systems not planning under the small water  
11 system management program shall develop and submit to the department a  
12 hazard mitigation plan.

13 (a) The hazard mitigation plan must identify water system  
14 operational and infrastructure vulnerabilities to natural disasters,  
15 terrorist attacks, and other intentional acts that would threaten the  
16 public water system's ability to safely and reliably provide water to  
17 its customers.

18 (b) The hazard mitigation plan must include a prioritized schedule  
19 of improvements that the public water system will undertake to mitigate  
20 the threats identified in the hazard mitigation plan.

21 (c) To the extent practicable, the development and submission of  
22 the hazard mitigation plan must be harmonized and coordinated with the  
23 water system planning requirements established pursuant to RCW  
24 43.20.050(2)(a)(iv). An initial hazard mitigation plan must be  
25 submitted to the department by January 1, 2018, in conjunction with the  
26 submission of water system plans.

27 (2) Water systems required to develop hazard mitigation plans under  
28 subsection (1) of this section must periodically submit an update to  
29 the department regarding the system's progress towards making the  
30 improvements identified in the hazard mitigation plan. The update must  
31 be submitted to the department no later than one year after the  
32 development and each update of a water system plan under the rules  
33 developed pursuant to RCW 43.20.050.

34 (3) The hazard mitigation plan, reports filed pursuant to  
35 subsection (2) of this section, and other related records that identify  
36 public water system vulnerabilities are exempt from public disclosure  
37 under chapter 42.56 RCW.

1 (4) The department may adopt rules, in accordance with chapter  
2 34.05 RCW, necessary to implement this section.

3 **Sec. 3.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read  
4 as follows:

5 The following information relating to public utilities, public  
6 water systems, and transportation is exempt from disclosure under this  
7 chapter:

8 (1) Records filed with the utilities and transportation commission  
9 or attorney general under RCW 80.04.095 that a court has determined are  
10 confidential under RCW 80.04.095;

11 (2) The residential addresses and residential telephone numbers of  
12 the customers of a public utility contained in the records or lists  
13 held by the public utility of which they are customers, except that  
14 this information may be released to the division of child support or  
15 the agency or firm providing child support enforcement for another  
16 state under Title IV-D of the federal social security act, for the  
17 establishment, enforcement, or modification of a support order;

18 (3) The names, residential addresses, residential telephone  
19 numbers, and other individually identifiable records held by an agency  
20 in relation to a vanpool, carpool, or other ride-sharing program or  
21 service; however, these records may be disclosed to other persons who  
22 apply for ride-matching services and who need that information in order  
23 to identify potential riders or drivers with whom to share rides;

24 (4) The personally identifying information of current or former  
25 participants or applicants in a paratransit or other transit service  
26 operated for the benefit of persons with disabilities or elderly  
27 persons;

28 (5) The personally identifying information of persons who acquire  
29 and use transit passes or other fare payment media including, but not  
30 limited to, stored value smart cards and magnetic strip cards, except  
31 that an agency may disclose personally identifying information to a  
32 person, employer, educational institution, or other entity that is  
33 responsible, in whole or in part, for payment of the cost of acquiring  
34 or using a transit pass or other fare payment media for the purpose of  
35 preventing fraud, or to the news media when reporting on public  
36 transportation or public safety. As used in this subsection,

1 "personally identifying information" includes acquisition or use  
2 information pertaining to a specific, individual transit pass or fare  
3 payment media.

4 (a) Information regarding the acquisition or use of transit passes  
5 or fare payment media may be disclosed in aggregate form if the data  
6 does not contain any personally identifying information.

7 (b) Personally identifying information may be released to law  
8 enforcement agencies if the request is accompanied by a court order;

9 (6) Any information obtained by governmental agencies that is  
10 collected by the use of a motor carrier intelligent transportation  
11 system or any comparable information equipment attached to a truck,  
12 tractor, or trailer; however, the information may be given to other  
13 governmental agencies or the owners of the truck, tractor, or trailer  
14 from which the information is obtained. As used in this subsection,  
15 "motor carrier" has the same definition as provided in RCW 81.80.010;

16 (7) The personally identifying information of persons who acquire  
17 and use transponders or other technology to facilitate payment of  
18 tolls. This information may be disclosed in aggregate form as long as  
19 the data does not contain any personally identifying information. For  
20 these purposes aggregate data may include the census tract of the  
21 account holder as long as any individual personally identifying  
22 information is not released. Personally identifying information may be  
23 released to law enforcement agencies only for toll enforcement  
24 purposes. Personally identifying information may be released to law  
25 enforcement agencies for other purposes only if the request is  
26 accompanied by a court order; (~~and~~)

27 (8) The personally identifying information of persons who acquire  
28 and use a driver's license or identicard that includes a radio  
29 frequency identification chip or similar technology to facilitate  
30 border crossing. This information may be disclosed in aggregate form  
31 as long as the data does not contain any personally identifying  
32 information. Personally identifying information may be released to law  
33 enforcement agencies only for United States customs and border  
34 protection enforcement purposes. Personally identifying information  
35 may be released to law enforcement agencies for other purposes only if  
36 the request is accompanied by a court order; and

1        (9) Hazard mitigation plans and related reports filed with the  
2 department of health by a public water system.

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